

ELECTRONICALLY FILED

PETITION UNDER 37 C.F.R. §1.182 TO WITHDRAW AND RESUBMIT TERMINAL DISCLAIMERS Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	NBMP-001(SP)
	Confirmation No.	6184
	First Named Inventor	HAIXIANG, LIN
	Application Number	10/551,847
	Filing Date	June 23, 2006
	Group Art Unit	1648
	Examiner Name	Le, Emily M
	Title:	"POLYINOSINIC ACID- POLYCYTIDYLIC ACID-BASED ADJUVANT"

Sir:

This Petition Under 37 C.F.R. §1.182 is being filed

- to withdraw a Terminal Disclaimer over four US Applications, which Terminal Disclaimer contained typographical errors in the filing dates of two of the applications recited therein; and
- to replace that Terminal Disclaimer with four Terminal Disclaimers, one for each of said four US Applications, and which contain the corrected application details.

Details regarding the original Terminal Disclaimer and the Terminal Disclaimers to replace it are provided below. In view of the exhibits and remarks provided, Applicants respectfully request grant of this petition.

REMARKS

Applicants filed a Terminal Disclaimer on September 15, 2009, in response to an obviousness-type double patenting rejection set forth by the Office over the following US Applications:

- U.S. Application No. 11/331,575;
- U.S. Application No. 11/331,839;
- U.S. Application No. 12/160,584; and
- U.S. Application No. 12/160,583.

A copy of the Terminal Disclaimer that was filed is attached herewith as Exhibit A, also labeled “Copy, To Be Withdrawn.”

It has since come to Applicants’ attention that incorrect filing dates were provided on this Terminal disclaimer for US Application No. 12/160,584 and U.S. Application No. 12/160,583. See Exhibit A, with erroneous Applications and filing dates circled.

Accordingly, Applicants respectfully request withdrawal of the Terminal Disclaimer filed on September 15, 2009, over U.S. Application No. 11/331,575; U.S. Application No. 11/331,839; U.S. Application No. 12/160,584; and U.S. Application No. 12/160,583. Furthermore Applicants request admission of the attached corrected Terminal Disclaimers over U.S. Application No. 11/331,575; U.S. Application No. 11/331,839; U.S. Application No. 12/160,584; and U.S. Application No. 12/160,583 into the record in its stead. The instant application and all applications recited in these Terminal Disclaimers are owned by the same Assignee, NewBiomed PIKA Pte. Ltd., as evidenced by copies of recordation assignments for these applications, provided herewith (Exhibits B-F; please note that PCT/SG2006/000177 is U.S. Application No. 12/160,584, PCT/SG2006/000176 is U.S. Application No. 12/160,583, and PCT/CN2005/000810 is the instant application U.S. Application No. 10/551,847).

According to MPEP §1490(VII), a recorded terminal disclaimer may be withdrawn before the application in which it is filed issues as a patent. There is no statutory prohibition against nullifying or otherwise canceling the effect of a recorded terminal disclaimer which was erroneously filed before the patent issues. *See* MPEP §1490(VII)(A). Moreover, nullification of a recorded terminal disclaimer may be addressed by filing a petition under 37 C.F.R. §1.182 requesting withdrawal of the recorded terminal disclaimer. *Id.*

Applicants respectfully submit that since the instant application is still pending and has not yet issued as a patent, withdrawal and resubmission of the Terminal Disclaimers is proper. Accordingly, Applicants respectfully request grant of this petition.

This petition is accompanied by the required petition fee pursuant to 37 C.F.R. §§ 1.182 and 1.17(f). The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number NBMP-001(SP).

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: April 9, 2010

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Registration No. 64,133

Date: April 9, 2010

By: /Carol L. Francis, Reg. No.36513/
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Enclosures: Exhibit A-Terminal Disclaimer to be withdrawn
Exhibit B-Recordation assignment for U.S. Application No. 11/331,575
Exhibit C-Recordation assignment for U.S. Application No. 11/331,839
Exhibit D-Recordation assignment for U.S. Application No. 12/160,584
Exhibit E-Recordation assignment for U.S. Application No. 12/160,583
Exhibit F-Recordation assignment for U.S. Application No. 10/551,847
Terminal Disclaimer over U.S. Application No. 11/331,575
Terminal Disclaimer over U.S. Application No. 11/331,839
Terminal Disclaimer over U.S. Application No. 12/160,584
Terminal Disclaimer over U.S. Application No. 12/160,583

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